

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 809 - HB 950

March 24, 2015

SUMMARY OF BILL: Requires the Commissioner of the Department of Health (DOH) to promulgate rules for the collection and reporting of data and information submitted by oocyte (female gamete or sex cell) collection agencies, sperm banks and ART (assisted reproductive technology) programs to ensure the confidentiality of egg and sperm donors and those persons receiving treatment or procedures pursuant to an ART program. The Commissioner must maintain public records containing the name, address, contact person, and reporting data of each collection agency, sperm bank, or ART program and promulgate rules specifying the timing, procedures, and format for the transmission of reporting data that each oocyte collection agency, sperm bank, or ART program is required to provide to DOH. Such data must be reported by electronic means. Failure of an oocyte collection agency, sperm bank, or ART program to provide such information to DOH will make unlawful the operation of any such agency, bank, or program. Requires the Commissioner to set reasonable and necessary fees to be paid by oocyte collection agencies, sperm banks, and ART programs in an amount sufficient to cover DOH's cost of administering the provisions of this legislation.

Establishes specific criteria that must be included in the data reported by oocyte collection agencies, sperm banks, and ART programs. Requires any such oocyte collection agency, sperm bank, or ART program to disclose in writing to a potential donor any potential conflict of interest, including fiduciary duties, financial benefits, and referral agreements. Any person entitled to receive information about a donor from an oocyte collection agency or sperm bank may bring a civil action for failing to receive the information and recover actual damages, and if the prevailing party, such plaintiff shall receive reasonable attorney's fees. The Office of the Attorney General and Reporter is authorized to bring a civil action for equitable relief for a violation of the provisions of this legislation. Any violation of this legislation constitutes unprofessional conduct for a professional licensed in this state, who shall be remanded to the appropriate licensure board for review and be subject to disciplinary action in accordance with the board's governing provisions. No donor may be penalized for being induced to accept or accepting valuable consideration for egg or sperm donation.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- DOH will collect fees to offset any administrative costs incurred as a result of promulgating rules, collecting data provided by oocyte collection agencies, sperm banks,

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or ART programs, and maintaining such data to ensure the confidentiality of egg and sperm donors and those persons receiving treatment or procedures pursuant to an ART program.

- DOH did not provide any cost estimate for carrying out the provisions of this bill; however, any cost will be offset by the collection of fees and therefore, any net impact is assumed to be not significant.
- The Office of the Attorney General and Reporter can join in any suit claiming an oocyte collection agency, sperm bank, or ART program violated the provisions of this bill. The Office can manage this new duty utilizing existing resources at no additional cost.
- There will be no substantial increase in court cases as a result of this legislation and therefore, no significant impact to state or local governments.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Jeffrey L. Spalding", written in a cursive style.

Jeffrey L. Spalding, Executive Director

/jdb